

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	Chapter 11
)	
VIJAY K. TANEJA, <i>et al.</i> ,)	Case No. 08-13293-SSM
)	
Debtors.)	Jointly Administered

**CONSENT MOTION FOR ENTRY OF ORDER TERMINATING
ESCROW ESTABLISHED FOR WELLS FARGO**

H. Jason Gold, the Chapter 11 Trustee (“Trustee”) for the above-captioned jointly administered cases, by his undersigned counsel, hereby files this Motion (“Motion”)¹ for the entry of an order terminating an escrow established in favor of Wells Fargo Funding, Inc. and Wells Fargo Bank, N.A. (collectively, “Wells Fargo”) with respect to certain sale proceeds, stating to the Court as follows:

1. On June 9, 2008 (the “Petition Date”), Vijay K. Taneja (“Debtor”) filed a voluntary petition for chapter 11 relief in this Court commencing his case (“Case”).
2. On the same date, several corporate affiliates of the Debtor (“Corporate Debtors”) also filed voluntary chapter 11 petitions in this Court, commencing their cases (“Corporate Cases” and, collectively with the Case, “Cases”).²

¹ In accordance with Local Rule 9013-1(G)(1), the Trustee is combining his memorandum of points and authorities with this Motion.

² The Corporate Debtors in these jointly administered Cases are Elite Entertainment, Inc. (“Elite”), Financial Mortgage, Inc. (“FMI”), NRM Investments, Inc. (“NRM”), and Taneja Center, Inc. (“TCI”).

3. By Order entered on July 19, 2008, the Court directed the Office of the United States Trustee to appoint a chapter 11 trustee for Debtor's Case.

4. On July 21, 2008, the United States Trustee appointed H. Jason Gold as Trustee for the Case. By order entered on July 22, 2008, the Court confirmed Mr. Gold's appointment.

5. On August 13, 2008, the Court entered an Order providing for, *inter alia*, the joint administration of these Cases and the appointment of a common trustee in each of these Cases.

6. On August 19, 2008, the United States Trustee appointed H. Jason Gold to serve as chapter 11 Trustee for the estates of the Corporate Cases. By order entered on August 20, 2008, the Court confirmed Mr. Gold's appointment as Trustee in the Corporate Cases.

7. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. § 157 (b)(2).

8. Among the assets owned by Vijay Taneja was a parcel of real property commonly known as 4862 Eisenhower Avenue #465, Alexandria, Virginia 22304 ("Property").³

9. On December 23, 2008, the Trustee filed a motion ("Sale Motion") to sell the Property free and clear of all liens and other interests. A copy of the Sale Motion is attached hereto as Exhibit "A." As set forth in the Sale Motion, Wells Fargo filed a *lis pendens* ("Lis Pendens") on June 9, 2008 against several of the Debtors' properties, including the Property. While the Trustee believes that the Lis Pendens is avoidable pursuant to 11 U.S.C. § 547 or 548,

³ Having the following legal description:

Condominium Unit No. 4862-465, EXCHANGE AT VAN DORN CONDOMINIUM, and the limited common element parking spaces no. 2-403 and 2-404, established by Condominium Instruments recorded on March 30, 2005, among the land records of the City of Alexandria, Virginia as Instrument No. 05000016381.

the Trustee nonetheless agreed to escrow the net proceeds of the sale of the Property pending a determination of the rights, if any, of Wells Fargo.

10. On January 30, 2009, the Court entered an Order (“Sale Order”) authorizing the sale of the Property. A copy of the Sale Order is attached hereto as Exhibit “B.” Pursuant to the Sale Order, the Trustee was directed to hold the remaining proceeds of the sale in escrow pending a determination of the rights, if any, of: (i) Wells Fargo; and (ii) HSBC Bank USA National Association for MLMI Services 2006-A1 c/o JP Morgan Chase Bank National Association f/k/a/ Washington Mutual Bank (“HSBC”), which is the subject of a pending adversary proceeding before this Court.

11. Wells Fargo consents to the termination of the escrow established for its benefit and to the release of escrowed proceeds from any interest of Wells Fargo.

12. Accordingly, the Trustee requests the entry of an Order terminating the escrow established for the benefit of Wells Fargo pursuant to the Sale Order and releasing the proceeds from any interest asserted therein by Wells Fargo. The Trustee is not requesting termination of the escrow established in favor of HSBC at this time.

WHEREFORE, the Trustee respectfully requests that this Court enter an order: (i) terminating the escrow established in favor of Wells Fargo pursuant to the Sale Order and releasing the escrowed proceeds from any interest asserted by Wells Fargo; and (ii) granting such other and further relief as the Court may deem just and proper.

Respectfully submitted,

H. JASON GOLD, TRUSTEE

By Counsel

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Rebecca L. Saitta, Va. Bar No. 65408

Counsel to the Chapter 11 Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of July, 2009, a copy of the foregoing Motion was sent by electronic mail or first class mail, postage prepaid, to the parties on the attached service list.

/s/ Rebecca L. Saitta
Rebecca L. Saitta